

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR
O R D E R
S.B. CIVIL SECOND APPEAL NO.397 OF 1999.**

R.S.R.T.C. & Another Vs. Shriniwas

DATE OF ORDER ::: 06.10.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Ashok Bansal, Counsel for defendant-appellants.
Mr. S.R. Surana, Counsel for plaintiff-respondent.

By the Court :

Heard learned counsel for the both the parties.

While admitting the second appeal, this Court formulated following substantial question of law on 14.09.2006 and the case was fixed for final hearing.

"WHETHER, the Civil Court had jurisdiction to entertain, try and decide the present suit filed by the plaintiff relating to the industrial dispute and whether the present case

is covered by the judgment of the Hon'ble Supreme Court in the case of Rajasthan State Road Transport Corporation Vs. Zakir Hussain, 2005 (7) S.C.C. Page 447?"

I have heard learned counsel for both the parties on the above substantial question of law.

The Hon'ble Supreme Court has already considered and resolved the controversy involved in the present second appeal and held that in the matters relating to industrial dispute a civil Court has no jurisdiction to entertain, try and decide the civil suit filed by the plaintiff-workman. A reference may be given in this regard to the decision of three-Judges Bench of the Hon'ble Supreme Court in the case of Rajasthan State Road Transport Corporation & Another Vs. Ugma Ram Choudhary (**2006 SCC (L&S) 58**, Rajasthan State Road Transport Corporation & Another Vs. Zakir Hussain, (**2005 (7) SCC 447**) and Rajasthan State Road Transport Corporation & Others Vs. Ramdhara Indoliya (**2006 6 SCC 287**).

In view of the above position of law, the above formulated question of law is decided that the

Civil Court had no jurisdiction to entertain, try and decide the suit filed plaintiff.

Consequently, this second appeal is allowed and the impugned judgments passed by both the Courts below are set aside, and the suit of the plaintiff-respondent is dismissed with no order as to costs.

Learned counsel for the plaintiff-respondent contended that in R.S.R.T.C. & Another Vs. Ugma Ram Chaudhary (**Supra**) the Hon'ble Supreme Court has referred the matter to the appropriate Forum under the provisions of the Industrial Disputes Act and granted an interim order in favour of the plaintiff for a period of three months, therefore, same order may also be passed in the present case.

After considering the submissions of the learned counsel for both the parties, it is directed that in case the plaintiff-respondent files a reference petition within a period of fifteen days from today, then the State Government will refer the matter within a period of two months thereafter and soon after receipt of the reference, the concerned authority/Court shall decide the reference of the plaintiff-respondent

within a period of one year from the date of receipt of the reference order. There will be status-quo in the matter for a period of three months from today. It will be open for the plaintiff-respondent to ask for interim relief before the concerned authority/Court.

There shall be no order as to costs.

(Narendra Kumar Jain) J.

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